

MEMORANDUM

To: All
From: Knute Rife
Re: Sesko status
Date: 29 Feb. 2000

Yesterday we received the Court of Appeals opinion in Sesko II, the Pennsylvania Avenue/Arsenal Way case. The Court affirmed both cases, leaving our judgments intact. Seskos may move for reconsideration, but it is unlikely the Court of Appeals will be swayed as Judge Seinfeld virtually lifted her opinion from our brief. Seskos have 30 days to move for discretionary review in the Supreme Court, but that is unlikely to be granted. After 30 days, the Court of Appeals will send a mandate back to Superior Court giving the case back. Then we can start enforcing.

The Arsenal Way judgment contains a timeline for performance by Seskos, after which the City may step in and execute. All deadlines passed during the appeal. The Pennsylvania Avenue judgment contains a deadline but does not provide for the City's stepping in. In both cases the Superior Court retained jurisdiction to enforce the judgments. We would be wise to return to Superior Court for: 1) new, short deadlines; 2) new entry and inspection dates; and 3) new City clean-up dates. We should get together to plan this.